Exhibit C

March 12, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Zahir Saidi and Boris Klyashchitsky
Application No. 10/019,100
Filed: August 21, 2003

Examiner: L. Soroush
Group Art Unit: 1617
Confirmation No. 8648

Aqueous Compositions Containing
Corticosteroids for Nasal and Pulmonary Delivery

(Atty. Docket No. P24800-A USA)

Filed Electronically on March 12, 2007 by Jonathan M. Dermott

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Reply to Examiner's Requirement for
Restriction, as Set Forth in the Action, Dated October 10, 2006

Sir:

In response to the Requirement for Restriction dated October 10, 2006, Applicants elect to prosecute the claims of Group I, that is, claims 1, 5 to 10, 12 to 17, and 22 to 27. Applicants confirm their right to file divisional applications that include the non-elected claims.

The Examiner also required Applicants to elect a single species of corticosteroid. Applicants elect hereby budesonide.

The Examiner also required Applicants to elect a single species of high-HLB surfactant. Applicants elect hereby tocopheryl polyethylene glycol 1000 succinate ("TPGS").

The Examiner also required Applicants to elect a single species of high-HLB surfactant

comprising an ethoxyolated derivative of vitamin E. Applicants elect hereby tocopheryl polyethylene glycol 1000 succinate ("TPGS").

The Examiner also required Applicants to elect a single species of low-HLB surfactant. Applicants elect hereby phospholipids.

Applicants traverse the Examiner's requirement for an election of the claims of Groups I and II.

The Examiner has asserted that Groups I and II lack unity invention under PCT Rule 13.2 because they lack a shared inventive technical feature.

Applicants submit that the technical feature of the claims is the composition of claim 1, which recited in parts (a), (b), and (c) of claim 1. The methods of claims 18 to 20 require use of the composition of claim 1. Accordingly, claims 1 and 18 to 20 require the same technical features. As the claims of Groups I and II both require the same technical features, these groups do not lack unity of invention.

Should the Examiner choose to maintain the current restriction of Groups I and II, applicants submit that Rejoinder will apply. MPEP §821.04(b) states:

> Where claims directed to a product and to a process of making and/or using the product are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or a process. See MPEP § 806.05(f) and § 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP § 821 through § 821.03. However, if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined. Upon rejoinder of claims directed to a previously nonelected process invention, the restriction requirement between the elected product and rejoined process(es) will be withdrawn.

Applicants submit that claims 18 to 20 are methods of using the composition of claim 1 and thus Rejoinder should apply.

A favorable action is requested respectfully. It is hereby requested that the term to respond to the Office Action, dated October 10, 2006, be extended four months, from November 10, 2006 to Saturday, March 10, 2007. Payment to cover the extension fee has been submitted

electronically. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,

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